

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO. 304 OF 2004
IN
WRIT PETITION NO. 1163 OF 2003

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Ms. Aniketa Ahir-Sawant for the
applicants.

Mr. R.M. Pethe for the Resp.Nos. 1 & 2.

Mr. Ajit Kulkarni for the Resp. No.3.

CORAM: P.V. KAKADE, J.

DATED: 3RD MAY, 2005
(In Chamber)

P.C.:

1. This civil application is filed by the petitioner seeking clarification with regard to the interim order which was passed by this Court on 10.4.2003 whereby certain directions were issued to the effect that the petitioners were not to obstruct door of respondent No.3 which was said to be located in the said premises.

This application now seeks clarification by way of omission of above referred part of the order and

seeks relief to that extent. However, it is brought to my notice on behalf of the present respondent that the learned advocate for the applicant did not disclose it to the Court that subsequent to this order, Review Petition (St.) No. 15632 of 2003 was filed by the present respondent No.3 which was disposed of with directions that the order dated 10.4.2003 so far as permission to the petitioners to conduct their business in the suit premises was concerned, was required to be recalled and stood recalled and review petition came to be allowed.

However, the copy of the order dated 6.4.2004 is brought to my notice by the learned counsel for the respondents. I abstain from passing any remarks regarding suppression of order in review petition made by the present applicant from the Court. However, it is clear that, in view of the subsequent order dated 6.4.2004 i.e.

granting review petition, the present application is rendered infructuous and stands disposed of as such with no order as to costs.

(P.V. Kakade, J.)